

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

YRI PROPERTIES, LLC,

Plaintiff,

vs.

BOENNING & SCATTERGOOD, INC.,

Defendant.

CASE NO.

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO, WESTERN DIVISION

Defendant Boenning & Scattergood, Inc. (“Defendant”), pursuant to 28 U.S.C. § 1441, 28 U.S.C. § 1446, 28 U.S.C. § 1331, and 28 U.S.C. § 1332, hereby removes this action to the United States District Court for the Northern District of Ohio, Western Division. As grounds for this removal, Defendant states as follows:

1. Plaintiff YRI Properties, LLC (“Plaintiff”) commenced this action in the Hancock County Court of Common Pleas, Case No. 2018-CV-00049, against Defendant. Pursuant to 28 U.S.C. § 1446(a), true and accurate copies of the Summons and Complaint filed in Hancock County Court of Common Pleas on February 8, 2018 are collectively attached hereto and incorporated herein as Exhibit 1.

2. Defendant was served with the Summons and Complaint on or about February 9, 2018. This Notice of Removal is filed within 30-days of service of the Summons and Complaint on Defendant and, thus, is timely under 28 U.S.C. § 1446(b)(1).

3. This case is removable pursuant to 28 U.S.C. § 1441 because: (a) the United States District Court has original jurisdiction of this case under 28 U.S.C. § 1331, as this case involves alleged violations of the Securities Exchange Act of 1934, 15 U.S.C. § 78, and the

Commodity and Securities Exchanges Title of the Code of Federal Regulations, 17 C.F.R. § 240.10; and (b) there exists complete diversity of citizenship, and pursuant to 28 U.S.C. § 1446(c)(2)(A)(ii), it is believed that the amount in controversy exceeds the jurisdictional amount of \$75,000.00, exclusive of interest and costs, thereby satisfying the jurisdictional requirements under 28 U.S.C. § 1332.

5. With respect to jurisdiction under 28 U.S.C. § 1332, the face of Plaintiff's Complaint states that Plaintiff is located in Findlay, Ohio. (Exhibit 1). Defendant is organized, incorporated, and existing under the laws of the State of Pennsylvania, and at all relevant times, has its principal place of business located at 4 Tower Bridge, 200 Barr Harbor Drive, Suite 300, West Conshohocken, PA 19428. Thus, for diversity jurisdiction purposes, Plaintiff is a "citizen" of the State of Ohio and Defendant is a "citizen" of the State of Pennsylvania.

6. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367, as the state law claims are so related to claims in this action within the original jurisdiction of this Court that they form part of the same case or controversy.

7. Pursuant to 28 U.S.C. § 1446(d), written notice of this removal is being provided to Plaintiff's counsel and filed with the Hancock County Court of Common Pleas. A true and accurate copy of this Notice of Removal is likewise being filed with the Hancock County Court of Common Pleas.

WHEREFORE, this action is properly removed from the Hancock County Court of Common Pleas, Case No. 2018-CV-00049, to the United States District Court for the Northern District of Ohio, Western Division, for all further proceedings.

Respectfully submitted,

/s/ Ronald S. Kopp

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PROOF OF SERVICE

The foregoing was filed electronically with the Court on February 20, 2018. Notice of this filing was sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Additionally, a true and accurate copy of the foregoing was also served on February 20, 2018, pursuant to Fed.R.Civ.P. 5(b)(2)(C), by mailing a copy via regular U.S. mail to the following counsel of record:

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